

should appear in *The Department of Labor's 2010 Findings on the Worst Forms of Child Labor*.

¹⁴⁶⁰ For statistical data not cited here, see the Data Sources and Definitions section.

Guatemala

*Selected Statistics and Indicators on Child Labor*¹⁴⁶¹

Working children, 7-14 years (%), 2003:	21.1
Working boys, 7-14 years (%), 2003:	26.2
Working girls, 7-14 years (%), 2003:	16
Working children by sector, 7-14 years (%), 2003:	
- Agriculture	62.3
- Manufacturing	11.4
- Services	24.2
- Other	2
Minimum age for work:	14
Compulsory education age:	11
Free public education:	Yes
Gross primary enrollment rate (%), 2005:	113
Net primary enrollment rate (%), 2005:	94
School attendance, children 7-14 years (%), 2003:	73.6
Survival rate to grade 5 (%), 2004:	68
ILO-IPEC participating country:	Yes

Incidence and Nature of Child Labor

In Guatemala, the majority of working children are of indigenous heritage and from rural areas.¹⁴⁶² Children work mostly in the informal sector and in small family enterprises. Working children are found primarily in the agricultural, fishing, hunting, and forestry industry sectors, followed by restaurants, hotels, and trade. To a lesser extent, children work in manufacturing and providing community, social, and personal services.¹⁴⁶³ In rural and indigenous communities, children work to supplement the family income. Children reportedly work in flower production, food processing, and handling fresh produce.¹⁴⁶⁴ Children can also be found working in mining,

pyrotechnics, domestic labor, and performing deepwater work.¹⁴⁶⁵

Trafficking and commercial sexual exploitation of children are problems in Guatemala. In border areas, child migrants are vulnerable to forced prostitution.¹⁴⁶⁶ Children in border areas with Mexico are also at risk for forced labor and begging. Children are trafficked into begging rings in Guatemala City.¹⁴⁶⁷

Child Labor Laws and Enforcement

The Constitution and the Labor Code set the minimum age for employment at 14 years.¹⁴⁶⁸ In some exceptional cases, the Labor Inspectorate can issue work permits to children under 14 years, provided that the work is related to an apprenticeship, is light and of short duration and intensity, is necessary because of extreme poverty of the child's family, and does not interfere with the child's ability to meet compulsory education requirements.¹⁴⁶⁹ Minors aged 14 to 17 are prohibited from working at night, working overtime, performing unhealthy and dangerous tasks, or working in bars or other establishments where alcoholic beverages are served.¹⁴⁷⁰ The workday for minors less than 14 years is limited to 6 hours per day or 36 hours per week. Minors 14 to 17 years may work a maximum of 7 hours per day or 42 hours per week.¹⁴⁷¹ A 2006 governmental agreement identified the worst forms of child labor in Guatemala, established sanctions for violations, and called for inter-institutional coordination to combat the problem.¹⁴⁷²

The law prohibits child pornography and prostitution. Procuring and inducing a minor to engage in prostitution are crimes that can result in fines and 2 to 6 years of imprisonment; the penalty increases by two-thirds from 3.3 to 10 years imprisonment if the victim is younger than 12 years.¹⁴⁷³ Guatemalan law prohibits forced or

compulsory labor.¹⁴⁷⁴ Trafficking is prohibited, with penalties of 6 to 12 years of incarceration. Punishments are increased by one-third from 8 to 16 years if the victim is a minor.¹⁴⁷⁵ Legislation adopted as part of the Peace Accords protects children under 18 years from military recruitment and deployment into armed conflicts.¹⁴⁷⁶

The Ministry of Labor's Child Workers Protection Unit is responsible for enforcing child labor regulations as well as educating children, parents, and employers regarding the labor rights of minors.¹⁴⁷⁷ Out of a total of 245 labor inspectors, the Labor Inspectorate has five specialized child labor inspectors. The Labor Inspectorate conducted 295 inspections involving child labor during 2007. The inspections identified 3,393 adolescents ages 14 to 17 years working illegally, and resulted in 42 complaints filed against employers.¹⁴⁷⁸ In March 2007, a settlement was negotiated between an NGO and a food processing company, which benefited 24 child workers with payment of outstanding wages, school placement, removal from the job, and the guarantee of a position once they reach the age of 18.¹⁴⁷⁹ In 2007, the Labor Inspectorate granted 36 work permits for children under 14 years of age.¹⁴⁸⁰

An Inter-Agency Commission to Combat Trafficking in Persons and Related Crimes has been established to coordinate initiatives in combating trafficking. The Commission is headed by the Vice Minister of Foreign Affairs and includes Government, NGO, and international organization representatives.¹⁴⁸¹ The Public Ministry, which operates the Office of Special Prosecutor for Crimes against Women, Children and Victims of Trafficking, received 32 TIP-related cases, of which 28 remain under investigation, and no convictions have been secured.¹⁴⁸² USDOS reports increased governmental attention to rescuing minors from commercial sexual exploitation in bars, brothels, and other establishments.¹⁴⁸³ However, it also reports that some local officials reportedly compromised police investigations and raids of brothels by taking bribes.¹⁴⁸⁴

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Guatemala, through its National Commission for the Elimination of Child

Labor, is implementing the National Plan for the Prevention and Eradication of Child Labor and the Protection of the Adolescent Worker.¹⁴⁸⁵ Government agencies and NGOs, under the coordination of the Secretariat of Social Welfare of the Presidency, are implementing the National Plan of Action against the Commercial Sexual Exploitation of Children and Adolescents in Guatemala.¹⁴⁸⁶ The Secretariat executes the Program Against Commercial Sexual Exploitation, which focuses on prevention, eradication, awareness raising, the promotion of public policy, and legislation on the issue.¹⁴⁸⁷

During 2007, the Government trained officials of the Child Workers Protection Unit and the Special Unit of Labor Inspections on how to handle child labor cases. Labor inspectors nationwide received training on the protocol for attending to the adolescent worker.¹⁴⁸⁸ The Government continued running seven shelters for trafficking victims, and also referred victims to NGOs to receive services. Three hundred children were rescued and transferred to NGOs.¹⁴⁸⁹ The Guatemala City municipal government offers free meals and scholarships to families with former child workers in the gravel, coffee, broccoli, and fireworks industries.¹⁴⁹⁰

The Government also participates in regional projects funded by USDOL. These include a USD 8.8 million regional project implemented by ILO-IPEC that seeks to withdraw 713 children and prevent 657 children from commercial sexual exploitation in the region. The project includes activities to remove and prevent children from exploitive work, as well as awareness raising, institutional capacity building, and regional and national coordination in Guatemala.¹⁴⁹¹ Additionally, the Government is part of the 4-year USDOL-funded USD 5.7 million regional project, the Child Labor Education Initiative, implemented by CARE to strengthen the Government and civil society's capacity to combat child labor through education, and withdraw or prevent 2,984 children from exploitive child labor.¹⁴⁹² Guatemala also participates in a 460,000 Euros ILO-IPEC global program funded by the Netherlands to combat child domestic work.¹⁴⁹³

¹⁴⁶¹ For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Executive Summary. For minimum age for admission to work, age to which education is compulsory, and free public education, see Government of Guatemala, *Constitution*, (May 31, 1985, reformed November 17, 1993), article 102; available from <http://www.georgetown.edu/pdba/Constitutions/Guatemala/guate93.html>. See also U.S. Department of State, "Guatemala," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100641.htm>.

¹⁴⁶² Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil y Protección a la Adolescencia Trabajadora, Guatemala*, 2001, 6-7; available from http://www.oit.org.pe/ipec/documentos/plan_eti_gt.pdf.

¹⁴⁶³ ILO-IPEC, *Summary of the Results of the Child Labour Survey in Guatemala*, 2004, 4,5; available from http://white.oit.org.pe/ipec/documentos/gua_summary.pdf.

¹⁴⁶⁴ U.S. Department of State, "Country Reports- 2007: Guatemala," section 6d.

¹⁴⁶⁵ Government of Guatemala, *Informe al Departamento de Trabajo de los Estados Unidos*, submitted in response to U.S. Department of Labor Federal Register Notice (2007) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, DC, 2007.

¹⁴⁶⁶ U.S. Department of State, "Country Reports- 2007: Guatemala," section 5.

¹⁴⁶⁷ U.S. Department of State, "Guatemala (Tier 2 Watch List)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 5, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/82805.htm>. See also U.S. Department of State, "Country Reports- 2007: Guatemala," section 6d.

¹⁴⁶⁸ Government of Guatemala, *Constitution*, 1985, article 102. See also Government of Guatemala, *Código de Trabajo de la República de Guatemala*, article 31,148; available from <http://www.cosibah.org/codigos%20de%20trabajo%20Guatemala.pdf>.

¹⁴⁶⁹ Government of Guatemala, *Código de Trabajo*, article 150.

¹⁴⁷⁰ U.S. Department of State, "Country Reports- 2007: Guatemala," section 6d. See also *Código de Trabajo de la República de Guatemala*, 1996, 148.

¹⁴⁷¹ Government of Guatemala, *Código de Trabajo*, article 149,116.

¹⁴⁷² Government of Guatemala, *Acuerdo gubernativo 250-2006*; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=es&p_country=GT

M&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.

¹⁴⁷³ Government of Guatemala, *Código Penal*, Articles 188-189; available from http://www.oas.org/JURIDICO/MLA/sp/gtm/sp_gtm-int-text-cp.pdf.

¹⁴⁷⁴ U.S. Department of State, "Country Reports- 2007: Guatemala," section 6c.

¹⁴⁷⁵ Government of Guatemala, *Decreto núm. 14-2005 por el que se reforma el Artículo 194 del Código Penal (Trata de Personas)*. available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=74634.

¹⁴⁷⁶ Coalition to Stop the Use of Child Soldiers, "Guatemala," in *Child Soldiers Global Report 2004*, London, 2004; available from http://www.child-soldiers.org/document_get.php?id=827.

¹⁴⁷⁷ U.S. Department of State, "Country Reports- 2007: Guatemala," section 6d.

¹⁴⁷⁸ U.S. Embassy - Guatemala City, *reporting*, January 30, 2008.

¹⁴⁷⁹ U.S. Department of State, "Country Reports- 2007: Guatemala," section 6d.

¹⁴⁸⁰ U.S. Embassy - Guatemala City, *reporting*, January 30, 2008.

¹⁴⁸¹ U.S. Department of State, "Country Reports- 2007: Guatemala," section 5.

¹⁴⁸² U.S. Department of State, "Trafficking in Persons Report- 2007: Guatemala."

¹⁴⁸³ U.S. Department of State, "Country Reports- 2007: Guatemala," section 5.

¹⁴⁸⁴ U.S. Department of State, "Trafficking in Persons Report- 2007: Guatemala."

¹⁴⁸⁵ ILO, *Ficha País:Guatemala*, [online] 2007 [cited December 7, 2007]; available from http://www.oit.org.pe/ipec/documentos/ficha_pais_gua.pdf. See also Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*.

¹⁴⁸⁶ ECPAT International CSEC Database, *Guatemala*, accessed December 7, 2007; available from <http://www.ecpat.net/>.

¹⁴⁸⁷ Secretariat of Social Welfare of the Presidency, *Programa contra la Explotación Sexual Comercial*, [online] 2007 [cited December 7, 2007]; available from <http://www.sbs.gob.gt/4-programas-6-centro-3.html>.

¹⁴⁸⁸ U.S. Embassy- Guatemala City, *reporting*, January 30, 2008.

¹⁴⁸⁹ U.S. Department of State, "Trafficking in Persons Report- 2007: Guatemala."

¹⁴⁹⁰ U.S. Department of State, "Country Reports- 2007: Guatemala," section 6d.

¹⁴⁹¹ ILO-IPEC, "Stop the Exploitation" ("Alto a la explotación") *Contribution to the Prevention and Elimination*

of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic, Project Document, RLA/02/P51-05/52/USA, San Jose, 2002, 2005, 1 and 63. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Addendum, Geneva, September 2005, 1 and 22.

¹⁴⁹² CARE International, *Primero Aprendo Project*:

Combating Exploitive Child Labor through Education in Central America and the Dominican Republic, Project Revision, April 19, 2007, 1-2. See also CARE International, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America and the Dominican Republic*, Project Revision, September 29, 2006.

¹⁴⁹³ ILO-IPEC Geneva official, E-mail communication to USDOL official, December 12, 2007.

Guinea

Selected Statistics and Indicators on Child Labor¹⁴⁹⁴

Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	12
Free public education:	Yes*
Gross primary enrollment rate (%), 2005:	86
Net primary enrollment rate (%), 2005:	69
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2004:	76
ILO-IPEC participating country:	Yes
* Must pay miscellaneous school expenses.	

Incidence and Nature of Child Labor

The majority of working children in Guinea are found in agriculture and domestic work. Children work in subsistence farming, herding, and fishing.¹⁴⁹⁵ Girls as young as 5 perform domestic labor in urban areas, and some report beatings, sexual exploitation, carrying heavy loads, and not being paid for the work they perform.¹⁴⁹⁶ The practice of sending boys to Koranic teachers to receive education is a tradition in various countries,

including Guinea.¹⁴⁹⁷ Some of these children end up working in agriculture and animal husbandry,¹⁴⁹⁸ while others perform domestic activities, sell water or shine shoes on the streets in exchange for school instruction and room and board from Koranic teachers. Children are also found in the informal sector, carrying out activities such as small-scale commerce, transportation, and mining.¹⁴⁹⁹

In Upper and Lower Guinea, many children work in gold and diamond mines and quarries breaking granite, extracting gravel, transporting material, and selling water and other items. More boys than girls work in the mines, though girls also push water through sieves.¹⁵⁰⁰ Many of the children work between 12 to 18 hours per day and do not wear protective gear. Children working in mines and quarries suffer accidents and illness, including respiratory and dermatological conditions.¹⁵⁰¹

Guinea is a source, transit, and destination country for trafficking in children. Children are trafficked internally, largely from Upper and Middle Guinea, and to Conakry.¹⁵⁰² Boys are trafficked for forced labor as street vendors, beggars, shoe shiners, miners and for agricultural work; and girls are trafficked for forced domestic labor and sexual exploitation. Girls trafficked to Guinea come from Nigeria, Ghana, Mali, Burkina Faso, Liberia, Senegal, and Guinea-Bissau.¹⁵⁰³ Some Guinean children are trafficked to Sierra Leone for work in diamond mines and for domestic work.¹⁵⁰⁴